

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 8-13 and 18 are amended for form. The amendments introduce no new matter because they are made to correct informalities. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Ip in the January 10, 2008 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

The Office Action, on page 2, rejects claims 8-13 under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. Claims 8-13 are amended as suggested by the Examiner to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The Office Action, on page 4, rejects claims 1-20 under 35 U.S.C. §102(a)/(d)/(e) as allegedly being clearly anticipated by U.S. Patent Application Publication No. 2003/00814402, Komatsu et al. (hereinafter "Komatsu"). These rejections are respectfully traversed.

Regarding the §102(d) rejection, the Office Action indicates that Komatsu was filed on October 18, 2002 and claims foreign priority to JP 2001-327994 filed on October 25, 2001 and JP 2002-036341 filed on February 14, 2002. The Office Action fails to show that Komatsu issued as a foreign patent or received an inventor's certificate prior, to the filing of this application, as required by 35 U.S.C. §102(d). In this regard, there is no basis for rejecting the claims under §102(d). During the January 10 telephone interview, the Examiner indicated that he would further consider the Applicant's arguments in this regard upon submission of a formal response. Withdrawal of the rejection under 35 U.S.C. §102(d) is thus respectfully requested.

Regarding the §102(a)/(e) rejections of claims 1-20 over Komatsu, the rejections of these claims are unreasonable for at least the following reasons.

Independent claim 1 recites, among other features, second control means outputting to said first control means a command for instructing prohibition of electric power generation in said electric load or for instructing decrease in an amount of electric power generated by said electric load, when said down-converter fails. Komatsu cannot reasonably be considered to teach, or to have suggested, these features.

In rejecting claim 1, the Office Action broadly paraphrases the claim language in finding the above-recited features to be explicitly taught by Komatsu. For example, in rejecting claim 1, the Office Action asserts that Komatsu teaches the above-recited features because Komatsu, in paragraphs [0022] and [0023], discloses that the control units controls the voltage converter to apply a voltage smaller than a predetermined value to the electrical system of the DC load when a malfunction is detected. This analysis disregards the plain meaning of the terms positively recited in claim 1 of the second control outputting to said first control means a command. The command may include prohibition of electric power generation in said electric load or decrease in an amount of electric power generated by said electric load when the down-converter fails. Komatsu neither teaches, nor suggests this feature.

Komatsu teaches only that the control unit controls the voltage converter to apply a voltage smaller than a predetermined value to the electrical system of the DC load when a malfunction is detected in the electrical system between the DC power supply and the voltage converter (see, e.g., paragraph [0040]). Providing a voltage converter between a source and a load that ensures that a decreased voltage arrives at the load, as taught in Komatsu, cannot reasonably be considered to correspond to second control means outputting to said first control means a command for instructing prohibition of electric power generation in said

electric load or for instructing decrease in an amount of electric power generated by said electric load, when said down-converter fails. In this regard, the determinations made in the subject matter of the pending claims are different from those made in Komatsu and cannot reasonably be considered to be taught, or have been suggested, by the disclosure of Komatsu. In other words, nothing in Komatsu can reasonably be considered to affect electrical power generation but rather only loaded distribution or load limiting.

During the telephone interview, no agreement was reached with respect to this issue Examiner Ip indicated that he would take our arguments into further consideration upon the submission of a formal response. For clarification regarding a couple of other issues raised during the telephone interview with respect to Applicant's disclosure and the Komatsu reference, the following discussion applies. First, Examiner Ip indicated his belief that the term "down-converter" recited in the pending claims should be referred to as an up converter, based on the recitation in the specification. Applicant respectfully notes that Applicants are permitted to use terms of their choosing, which are supported by the specification, in the claims. Claim terms need not be identical to the terms used in the disclosure, as long as one of ordinary skill in the art would clearly understand the claimed features based on the description in the disclosure. Applicant believes that the disclosure, at least at page 10, lines 25-28, page 12, lines 10-16, and page 18, lines 1-3, adequately supports the claim term "down-converter" in a manner that would be understood by one of ordinary skill in the art. Second, and as is discussed in some detail above, Examiner Ip indicated, during the January 10 telephone interview, his belief that because Komatsu discloses a plurality of loads, it is inherent when the down converter fails that the amount of power consumption would be increased in other loads. While not conceding the Examiner's assertion of any inherent capability of the Komatsu device, it should be noted that an increase in the amount of power consumption in a plurality of loads, such as those disclosed in Komatsu, neither teaches, nor

would it have suggested, instructing decrease in an amount of electric power generated, as is recited, among other features, in the pending claims. For the reasons discussed above, and those presented during the telephone interview, Applicant maintains that at least the above-quoted feature of claim 1 is not anticipated by Komatsu.

Accordingly, Komatsu cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in claim 1. Further, claims 2-5 and 20 also are neither taught nor would they have been suggested by Komatsu for at least the respective dependence of these claims directly or indirectly on claim 1, as well as for the additional features each of these claims recites.

Independent claims 8 and 14 recite, among other features, a first step of generating a command for instructing prohibition of electric power generation in said electric load or for instructing decrease in an amount of electric power generated by said electric load, when said down-converter fails. For reasons similar to those discussed above with respect to claim 1, Komatsu cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in claims 8 and 14. Further, claims 9-11 and 15-17 also are neither taught, nor would they have been suggested by Komatsu for at least the respective dependence of these claims directly or indirectly on claims 8 and 14, respectively, as well as for the additional features each of these claims recites.

Independent claim 6 recites, among other features, second control means outputting to said first control means a command for instruction increase in an amount of power consumption in said second electric load, when said down-converter fails. Independent claims 12 and 18 recite, among other features, a first step of generating a command for instructing increase in an amount of power consumption in said second electric load, when said down-converter fails. Komatsu cannot reasonably be considered to teach, or to have suggested these features. Moreover, the Office Action fails to even address any of the

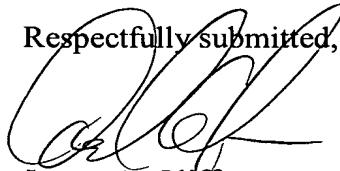
features as specifically recited in claims 6, 12 and 18. The Office Action merely paraphrases claim 1 in rejecting claims 1-20 without seemingly recognizing that claims 6, 12 and 18 recite features that additionally are not taught nor would have been suggested by Komatsu. In this regard, the Office Action fails to meet its burden. Applicant notes that MPEP §706 provides that when a reference is complex or shows or describes inventions other than that claimed by the Applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. For at least these reasons, claims 6, 12 and 18 are in condition for allowance. Further, claims 7-11, 13 and 19 are also in condition for allowance for at least the respective dependence of these claims directly or indirectly on claims 6, 12 and 18, respectively, as well as for the additional features each of these claims recites.

Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102(a)/(e) rejections of claims 1-20 are respectfully requested.

In the Interview Summary that the Examiner forwarded recounting his interpretation of the summary of the substance of the January 10 telephone interview, the Examiner indicated that, in his view, "[i]t appears that the specification is a literal translation from the foreign application [and] that the specification includes errors needed [sic] to be fix [sic] in order to provide a proper support of the claims." Applicant has carefully reviewed the disclosure and believe this alleged objection to be without foundation. Applicant understands that no rejection under 35 U.S.C. §112, first paragraph, is of record. It is, therefore, Applicant's understanding that the specification is considered to (1) provide written description support for the subject matter of the pending claims; (2) be enabling to the subject matter of the pending claims; and (3) disclose the best mode for carrying out Applicant's invention. It is, therefore, Applicant's further understanding that the subject matter of the pending claims is properly supported by the specification as written.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:DAT/cfr

Attachment:

Petition for Extension of Time

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